

### **REMARKS**

This Amendment is responsive to the Office Action dated June 30, 2008. Applicant has amended claims 1, 19, and 20. Claims 1 and 4–20 are pending.

#### **Claim Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1 and 4–20 under 35 U.S.C. § 103(a) as being unpatentable over Nelson et al. (U.S. Patent No. 6,480,745, hereinafter “Nelson”), Stawikowski et al. (U.S. Patent Publication No. 2002/0046239 A1, hereinafter “Stawikowski”) and further in view of Trusheim et al. (U.S. Patent No. 6,385,589, hereinafter “Trusheim”). The Office Action also rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Nelson, Stawikowski, Trusheim, and further in view of Official Notice. Applicant respectfully traverses these rejections to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant’s claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Applicant has amended independent claims 1, 19, and 20 for the purpose of clarification. Applicant has amended claim 1, for example, to require that the translation web service has an input method for receiving medical data in a first format and for receiving a request for an output format, wherein the requested output format is one of a plurality of output formats, and an output method for returning medical data to an invoking application in the requested output format. Therefore claim 1 requires that the output format is one of a plurality of output formats. Similar amendments have been made to claims 19 and 20. Support for these amendments may be found throughout the application as originally filed, including, for example, paragraph [48].

The Office Action cited Nelson in view of Stawikowski and Trusheim in support of the rejection of claim 1. The Office Action correctly noted that Nelson does not teach the translation service required by Applicant’s claim 1, but cited Trusheim to overcome this limitation of Nelson. While Applicant does not acquiesce as to the Office Action’s interpretation of any of the applied references, Applicant respectfully submits that Trusheim fails to overcome the limitations of Nelson with respect to the requirements of Applicant’s claim 1 as amended.

Claim 1 as amended requires a translation web service having an input method for receiving a request for an output format, wherein the requested output format is one of a plurality of output formats. Claim 1 as amended also requires that the translation web service have an output method for returning medical data to an invoking application in the requested output format. Trusheim lacks any disclosure of a plurality of output formats as required by claim 1. Instead, Trusheim makes clear that the output format is a standard format. For example, Trusheim states, “The primary function of translator 31 is to provide mapping of source data files to standard data elements and code value names.” Trusheim, col. 8, ll. 16–18 (emphasis added). Trusheim also states that translator 31 translates data codes “to a common format.” Trusheim, col. 8, ll. 33–35. Trusheim includes no teaching that the output of translator 31 may be in any other format, or that a request may request one of a plurality of formats. Therefore, Trusheim is limited to outputting data in a single format, without the ability to receive a request for an output format that is one of a plurality of output formats. Accordingly, Trusheim fails to overcome the limitation of Nelson with respect to Applicant’s claim 1 as amended.

Trusheim makes absolutely no mention of a translation web service having an input method for receiving a request for an output format, wherein the requested output format is one of a plurality of output formats, or of an output method for returning medical data to an invoking application in the requested output format, as required by Applicant’s claim 1 as amended. Likewise, Nelson and Stawikowski also fail to disclose this requirement of Applicant’s claim 1 as amended. Consequently, Nelson in view of Stawikowski and Trusheim fails to teach, suggest, or disclose the translation web service required by claim 1 as amended. Claims 19 and 20 as respectively amended include similar requirements for which similar arguments apply.

Furthermore, Claim 1 as amended requires a translation web service. Claim 1 defines a web service as a service for performing a data exchange function between the means for acquiring medical data and the means for handling medical data. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to have combined the disclosures of Nelson, Stawikowski, and Trusheim to arrive at the requirements of Applicant’s claim 1 as amended. Nelson discloses a communication system for communication between an IMD and a computing device. Nelson, Abstract. Trusheim discloses, *inter alia*, a translator that can translate input data to a common format. Trusheim, col. 8, ll. 1–42. Trusheim states that the

input data, i.e. source files 30, are “obtained from various legacy data systems currently in place within health care entities.” Trusheim, col. 7, ll. 52–53 (emphasis added). Moreover, Trusheim states, “Data contained in source data files 30 are in a variety of legacy data formats.” Trusheim, col. 7, ll. 62–63. Trusheim in no way relates to any means for acquiring medical data as required by Applicant’s claim 1. Therefore there is no teaching in the applied references as to how to combine translator 31 taught by Trusheim with the system taught by Nelson.

Trusheim is also not at all related to a translation web service that performs a data exchange function between two means as required by Applicant’s claim 1. Instead, as shown in FIG. 3 of Trusheim, translator 31 receives source data from source data files 30 and outputs the translated data to translated data files 32. Therefore, translator 31 of Trusheim is not a web service. Moreover, none of the applied references include any teaching for modifying translator 31 of Trusheim to make it a web service.

Trusheim includes no teaching as to how to modify its teachings to comply with receiving any other sort of input data, e.g. medical data from a means for acquiring medical data or a means for handling medical data as required by Applicant’s claim 1 as amended. Stawikowski also reveals no disclosure as to how one could modify the teachings of Trusheim. Accordingly, even if one of ordinary skill in the art had found a reason to combine the applied references, one would not have arrived at the requirements of Applicant’s claim 1 as amended from their combination. Similar remarks apply with respect to claims 19 and 20.

For at least these reasons, independent claims 1, 19, and 20 as respectively amended are patentable over the applied references. The dependent claims, i.e. claims 4–18, incorporate the requirements of independent claim 1 as amended; therefore the dependent claims are likewise patentable. In light of the deficiencies of the applied references with respect to the independent claims, Applicant reserves comment with respect to the dependent claims. However, Applicant reserves the right to comment further on all of the pending claims in future responses and amendments. Applicant also does not acquiesce as to the interpretations of the prior art or Applicant’s claims in the Office Action.

For at least these reasons, the Office Action has failed to establish a prima facie case for non-patentability of Applicant’s claims 1 and 4–20 under 35 U.S.C. § 103(a). Applicant therefore respectfully requests withdrawal of this rejection.

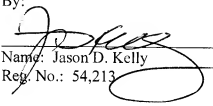
### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: September 29, 2008

By:

SHUMAKER & SIEFFERT, P.A.  
1625 Radio Drive, Suite 300  
Woodbury, Minnesota 55125  
Telephone: 651.286.8350  
Facsimile: 651.735.1102

  
Name: Jason D. Kelly  
Reg. No.: 54,213